IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 15001 of 2004

Between:

Kambham Padu Educational Society (Reg.No.152/02) Kambham Padu Village,
Nuzendla Mandal,
Guntur District represented by its President

..... PETITIONER

AND

1 Government of Andhra Pradesh rep.by its Secretary,

Education Department, Secretariat, Hyderabad
2 Commissioner and Director of School Education, Hyderabad
3 Chief Executive Officer, Zilla Parishad, Guntur
4 District Education Officer, Guntur
5 M.Mallikarjun Rao, M.L.A. Assembly Constituency, Vinukonda,
Guntur District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction especially in the nature of the writ of mandamus declaring the proposed action of the Respondents to shift the Zilla Parishad High School classes from the new premises where the land and buildings are provided at a cost of about Rs.15.00 Lakhs to the old premises where the Elementary School is located in Kambhampadu Village, Nuzendla Mandal, Guntur District as illegal, arbitrary, contrary to law, without jurisdiction, opposed to principles of natural justice and null and void and grant consequential relief for permanent

injunction restraining Respondents from shifting the Zilla Parishad High School classes of Kambham Padu Village, Nuzendla Mandal, Guntur District from the new premises where the new buildings were constructed, to the old premises where the Mandal Parishad Elementary School is located and pass all necessary orders for the said purpose.

Counsel for the Petitioner:MR.MOVVA.CHANDRASHEKAR RAO

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court at the stage of admission made the following ORDER:

This writ petition is filed on mere apprehension that on the representation made by the local M.L.A.(5th respondent), the Government is likely to shift the High School classes, which are running in newly constructed premises as per the orders issued by the Government in its memo No.10244/4/C-2103-3, dated 15-09-2003, to the old premises where the Mandal Parishad Elementary School is situated.

Learned counsel for the petitioner tried to impress the Court stating that due to the change of political atmosphere in the State, there is every possibility of Government yielding to the pressure of local M.L.A.(5th respondent) and at any moment, the orders will be passed for shifting the High School classes to the old premises.

It is well settled that on mere apprehension, a writ cannot be issued unless necessary orders are passed and challenged in the writ petition. In view of the same, as and when such orders are passed for shifting, the petitioner is at liberty to challenge the same before the appropriate forum.

In view of the same, the writ petition is dismissed. No costs.

24th AUGUST, 2004.

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To

1 The Secretary, Government of Andhra Pradesh,

Education Department, Secretariat, Hyderabad
2 The Commissioner and Director of School Education, Hyderabad
3 The Chief Executive Officer, Zilla Parishad, Guntur
4 The District Education Officer, Guntur
5 Two CCs to the Government Pleader for Education, A.P. High Court Buildings, Hyderabad.

6 Two CD copies.